97

Secrets. II-87—50,000—27-10-41.

Revenue **(1943) Department.**

MS **SERIES.**

G.O. No. 1088

Dated 18-1-43

[Despatch Abstract.]

Land - South Kanara - Mangalore Taluk - Karoli village S.No.65 - Cocanut demonstration plot - Condoning the breach of conditions of alienation or payment of compensation - Refused - Proposals of Board of Revenue - Approved.

1C

R 1916F

_____DEPARTMENT.

In reply, please quote number, date and short title.*

*Received*_____ *Registered*_____

From (Name) Sri K.Vittal Shetty,

(Designation) President, District Board, S.Kanara.

Post Box_____, (STATION)_____Mangalore.

*Telegraphic Address*_____

ASST. SECRETARY TO GOVERNMENT
4-JUN 1942
LOCAL ADMINISTRATION DEPT.

To

The Secretary to Government,
Local Administration Department, MADRAS.

R-C. No. 1423/40-C3, *dated* 29-5-1942.

Sir,

ENCLOSURES_____

_____

_____

SPARE COPIES_____

Alienation - land - Mangalore Taluk -Maroli village- S.No. 65 - Cocoanut demonstration plot -resumption- condoning the breach - requested.

Plot S.No. 65 of Maroli village of Mangalore Taluk was alienated in favour of this District Board for a cocoanut demonstration farm and a tenant's house in B.P.Mis. 1594 dated 7-6-1929 subject to the following among other conditions :-

(1) That the District Board should maintain the building in good condition.

(ii) That such repairs as the Collector might consider necessary from time to time should be executed by the grantee within such time as the Collector might fix and to his satisfaction and

(iii) that in the event of default, the repairs should be carried out by the Collector and the cost thereof recovered from the Board.

2. The District Board Engineer in his letter R.O.C. 10216-B4/39 dated 11-5-40 and N.Dis. 9673/40 dated 26-7-40 requested orders to dismantle the building for the reasons that the trees have reached such a stage that it is not necessary for the District Board to maintain a watcher's shed close to it to accommodate a watcher or a tenant to look after the trees, that the annual income derived from the trees is also too poor to justify the maintenance of the shed and that therefore such a shed for tenant does not seem indispensable. In his letter Ref. B3 - 1879/40 dated 9-7-1940, the Collector while drawing the attention of this Board to the infringement of the conditions of alienation of the plot, requested to be informed of the proposal of the Board with regard to the vacant tenant's shed kept out of repairs. In reply to this, the Collector was informed in this office Ref.C.No. 14231-40 -A7 dated 7-8-1940 of the proposal made by the District Board Engineer referred to in para 2 above.

3. The Standing Committee under Section 28(1) of this Board in its resolution No. 138 dated 11-9-4

P.T.O.

resolved to address the Collector to waive the condition of alienation regarding the up-keep of the tenant's shed for the reasons advanced by the District Board Engineer and to permit this Board to dismantle the building. This resolution was communicated to the Collector in this office Ref.C.No. A7-14231/40 dated 21-9-1940 in reply to which the Collector informed this office that the matter has been referred to the Board of Revenue for orders.

4. In his letter R.O.C.B3 1879/40 dated 21-6-1941 the Collector informed this office that the Board of Revenue had requested him to issue notice to this Board to show -- cause why the land with the tenant's house and other -- improvements should not be resumed without payment of compensation for violation of the conditions of alienation and to submit its representations, if any.

5. This matter was placed before the Standing Committee and its resolution No. 77 dated 20-8-1941 that the watcher's shed was not repaired as the shed itself was considered unnecessary and that the Collector would be addressed to condone the breach of condition and resume the plot on which the tenant's shed is constructed, was communicated to the Collector in this office R.C.No. -- 14231-C3/40 dated 30- 8-1941.

6. In its proceedings Misc. No. 2798 dated 13-10-41 the Board of Revenue sanctioned the resumption of the whole plot S.No. 65 of Maroli village measuring 4 acres 56 cents with the tenant's shed and improvements thereon without -- payment of compensation for the improvements ~~of~~ effected by the alienee; and the Collector in accordance with the above orders, directed the Tahsildar Mangalore to carry out -- necessary changes in the village and Taluk accounts, to -- effect peaceful re-entry on the land, to sell the materials of the tenant's shed by public auction and credit the sale proceeds to the Government and to sell the lease of the land by public auction.

7. The Collector was requested in this office Ref. C.No. 14231-C3/40 dated 12-12-41 to order stay of further proceedings till the decision of the Board of Revenue was placed before the District Board for its consideration, but the Collector declined to have further proceedings stayed in his D.Dis.No. 8924/41 dated 17-12-41.

8. In this connection, I enclose a copy of District Board resolution No. 59 dated 12-2-1942 and have to state that this Board has spent a total sum of Rs 631/- Six hundred and thirty one till now for the maintenance of the cocoanut demonstration plot and the trees have reached a good yielding stage. Should the Government resume the whole plot at this time, for the simple reason that the tenant's shed was not kept in good repairs without taking into consideration the circumstances of the case, this Board would stand to lose a considerable sum of money so far spent on the demonstration plot. Having regard to the circumstances explained above, I request that the Government may be pleased to condone the breach of alienation condition and order the re-alienation of the plot in favour of the District Board or in the alternative to sanction the payment of adequate compensation for the -- improvements effected on the plot resumed.

PRESIDENT,
Dt. Board, S.Kanara.

JK/29.5.42.

Extract from the proceedings of the meeting of the Members of the South Kanara District Board, dated 12-2-1942.

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59. Read endorsement ... is. o. 1879/40 dated 22-10-1941 of the Collector of South Kanara, communicating copy of the proceedings Misc. No. 2798, dated 13-10-1941 of the Board of Revenue, ordering the resumption of S.No. 65 of Karoli village, Mangalore Taluk, measuring 4 acres 66 cents (with the tenant's shed and improvements thereon which was alienated in favour of this Board for use as the site of a demonstration farm and tenant's shed and that no compensation need be paid for the improvements effected by the District Board.

Also Standing Committee resolution No. 77 dated 20-8-41 requesting the Collector of S.Kanara to condone the breach and resume the plot on which the tenant's shed is constructed.

Resolution :-

Government will be addressed either to condone the breach or pay for the improvements effected on the plot resumed.

(sd) ...Vittal Shetty,
President, Dt. Board, S.Kanara.

/True extract/

President,
Dt. Board, S.Kanara.

DJR/29.5.42.

30/5/42

4/17 - 6 A.R. 18/6.

Rev dept

Land - (South Kanara) - Mangalore Tk - Maroli village S. No. 65 - Coconut demonstration plot - Condoning the breach of conditions of alienation and realienation of the plot or payment of compensation - From the President, Dt Bd South Kanara R.C. No. 14231 - C3/40, dt 29.5.1942. Endt. no. 1916 7/142, dated 16.6.42.

21/7 Rev Sec

16/8 3098 Referred to the Board of Revenue for remarks.

16 1/H 23/6

16/31 1/511 15/6 15/6/42

To the Bd of Rev
in copy of Rep & above

Abdulla 9/6

Revenue Department
Subject

- (South Kanara) - Mangalore Taluk - Maroli village - S-No.65 Cocoanut demonstration plot - Condoning the breach of conditions of alienation and re-alienation of the plot or payment of compensation -

- -

Refce No.n.709/42.3,
Madras. Dated the 7th December 1942.

From

S.Y.Krishnaswami, Esquire, I.C.S.,
Secretary, Board of Revenue.

-:-

F.W.Stewart, Esquire, C.I.E., M.C., I.C.S., Commissioner of Revenue.

Read the following papers:-

I Endorsement from Government, Revenue Department, No.1916/F-42-1 dated the 16th June 1942.

II Letter from M.Karamatullah, Esquire, I.C.S., Collector of South Kanara, R.O.C.No.2862/42-B.3, dated the 18th July 1942.

Refce.- No.n.709/42-1 dated 9th July 1942 from the Board of Revenue

In connection with the representation made by the President, District Board, South Kanara, to the Government and received from the Board of Revenue with its Reference cited above, I solicit a perusal of this Office report R.O.C.No.1879/40-B.3 dated the 26th October 1940 and subsequent reports R.O.C.No.B-3-1879/40 dated the 12th May 1941 and R.O.C.No.B-3-1879/40 dated the 7th September 1941. The facts of the case have been fully set forth in these reports. On these reports, the Board of Revenue issued Orders in B.P.Misc., No.2798 dated the 13th October 1941, sanctioning the resumption of S.No.65 of Maroli village with the tenant's shed and the improvements thereon without payment of compensation for the improvements effected by the alienee. Enquiry showed that the garden trees were in a neglected and deteriorated condition and the Assistant Director of Agriculture, who was consulted in the matter, definitely stated that the demonstration farm does not serve the purpose for which it was originally planted. This was the main reason for recommending to the Board of Revenue, the resumption of the land and not alone the mere fact of the watcher's shed being in a dilapidated condition. The reasons for not recommending the payment of compensation for the watcher's shed and other improvements have been furnished in this Office report R.O.C.No.1879/40-B.3 dated the 26th October 1940. As the farm failed to serve as a demonstration farm and the watcher's shed was also in a dilapidated condition, resumption was considered to be the proper course, and under the conditions of the grant, no compensation was payable to the District Board for the improvements. In the circumstances stated above, I submit that the District Board cannot be said to have any genuine grievance.

2. The Order of the Board of Revenue sanctioning the resumption of the land was communicated to the President, District Board, South Kanara, in this Office D.Dis.No.1879/40 dated the 22nd October 1941. In his R.O.C.No.14231/C.3/40 dated the 12th December 1941, the President, District Board, informed this Office that the District Board Engineer had leased out the farm for three years ending with 31st March 1944 on a rental of Rs.42/- a year and he was told in this Office D.Dis.No.8924/41, dated the 17th December 1941, that he has not obtained the sanction of the Collector for the leasing out of the plot. The action of the President, District Board in leasing out the plot without obtaining the prior sanction of the Collector was unauthorised and irregular and the Tahsildar of Mangalore Taluk who was asked to effect re-entry on the land reported that the lessee has occupied a new shed built by him on the land and said that he would not give peaceful possession of the land unless the District Board refunded the lease amount to him together with the costs of improvements he has made. This fact was brought to the

to the notice of the President, District Board and he was requested to arrange with the lessee to hand over the plot to the Government peacefully and he was also told that for failure to comply with the request, the Government will have to file a suit to get possession of the plot and the District Board will be primarily responsible for that suit. On receipt of this communication, the President, District Board, has made the representation to the Government, which forms the subject matter of this report.

3. I enclose the records of this Office R.Dis.No.8411/28, Dis. No.59-R/Rev:19, D.Dis.No.1879/40, D.Dis.No.8924/41, D.Dis.No.4561/36 and D.Dis.No.5651/30 for reference and return.

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III

Letter from M.Karamatullah, Esquire, I.C.S., Collector of South Kanara Ref.No.B-3-2862/42 dated the 16th November 1942.

Refce.- Board's Refce No.n.709/42-2 dated the 24th August 1942.

The points raised in the Board's Reference cited above are answered below seriatim:

(1) Though the cocoanut trees are as a whole in a neglected and deteriorated condition, some of them are reported to be still yielding and a source of income.

(2) The Tahsildar of Mangalore reports that there are in all 224 cocoanut trees on the plot out of which 220 have reached the bearing stage and 50 are actually bearing.

(3) the cost of the shed put up by the lessee is estimated to be about Rs.30,

(4) The District Board states that if the plot is re-alienated to it, it will be used both as a demonstration plot and also for the purpose of housing the peons and other subordinates of the District Board who do not have houses of their own at Mangalore and that it is examining the question as to how best it could be done.

I enclose the statement obtained from the lessee by the Revenue Inspector, Mangalore. It will be seen therefrom that the lease is for a period of 3 years from 24-4-1941. The lessee has no objection to take the garden on ~~lease~~ from the Government direct on the subsisting conditions till the expiry of the period of the present lease on the condition stipulated by him in his statement dated 17th September 1942.

Statement dated the 17th September 1942 recorded from Sri M.Ramappa son of Padmappa of Karoli village.

I obtained the cocoanut garden in S.No.65 of Karoli village on lease for a period of 3 years on 24-4-1941. The lease rent of Rs.42/- paid by one was for 3 years and not one year. I have no objection to take the garden on lease from the Government direct on the subsisting conditions till the expiry of the period of the present lease if the rent from the date of the new lease till the end of the lease period is refunded to ~~the~~ me by the District Board. Read over. Correct.

(Sd)M.Ramappa,
Before me
(Sd)K.Lingappayya,
17-9-42
R.I., Mangalore.

- - - -

REFERENCE.

Submitted to Government with reference to their endorsement cited above.

2. In view of the opinion expressed by the Assistant Director of Agriculture reported by the Collector in paragraph 1 of his letter

(3)

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letter first read above, the Board submits that the District Board does not deserve the re-alienation of the land for the purpose of a demonstration plot. As regards the District Board's proposal for the re-alienation of the land for the purpose of housing its homeless subordinates, it may apply for it separately and its application will be considered on its merits.

3. The Board recommends that the Government may be pleased to direct that the lessee may take up the lease for the unexpired portion of the present lease from the Collector, subject to the same conditions of the present lease agreed to by the District Board.

4. The Collector's disposals bearing on the subject are submitted for favour of perusal and return.

for S e c r e t a r y. 8-12-42

To the Secretary to Government, Revenue Department, with records to be returned as per list.

:-:

List of records.

(1) Collector's D.Dis.No.1879/40 dated 23-10-1941.
(2) ,, R.Dis.No.8411/28 dated 19-6-1929.
(3) ,, D.Dis.No.4561/36 dated 15th December 1936.
(4) ,, D.Dis.No.5651/39 dated 22-8-1939.
(5) ,, D.Dis.No.8924/41 dated 17-12-1941.
(6) ,, Dis.No.59-R(Revenue/19 dated 8th May 1919.

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c.n.n./8-12-1942.

20.1.12/19/1/23/18-1 pp 1-2 anl — Reno

Read: from P.S.B., Bulk Kanara, 14231-C3/40, & 29-5-1942.

pp 4 anl — Issued as Credit to the Bd & Rec. No 1916 F/un-1, Rec., & 16-6-1942

pp 5-7 anl — From the Bd & Rev Rez no. n. 709/42-3, & 7-12-1942.

[Cno 1916 F/un] Govt Rs no. 1088 dated 18-1-43

pp 6-7 anl The Govt see no reason to realienate the plot in question to the Dt Board for the purpose of a demonstration plot as the Asst Director of Agriculture had reported that it does not serve the purpose for which it was granted in B.P. Misc no 1594 dated 7-6-1929.

The Dt. Bd is not also entitled to any compensation for improvements effected in the land under the terms of the grant

pp 5 4 d d 4 [illegible] conditions (VII) and (VIII) of the conditions of alienation stipulated

Cf no [illegible] [O] see the BP. referred to

pp 2 pp 7 anl The Govt agree with the Bd & Rev. that the realienation of the plot in question to the Dt Bd S. Kanara for the purpose of housing its homeless subordinates might be considered on merits when the Dt Bd applies for it. They also agree with the Bd & Rev that the present lessee of the rest may take up the lease for the unoccupied portion of the present lease from the Collector of S. Kanara, subject to the conditions of the present lease agreed to by the Dt Bd

To the D.B. Kanara, Bd & Rev for info

[illegible]

[G.O. No. 1916 F/42] Land - (South Kanara) - Mangalore Tk - Marali village - S No 65 - Cocoanut demonstration plot - Condoning the breach of condition of alienation on payment of compensation

Rev. Dept

Cf Correspondence resting with Bd Rev. No. N 709/Ser-3, 8 7 N in toto

The letter from the P.D.B., South Kanara at pp 1-2 C/F and the remarks of the Collector of South Kanara and the Bd of Rev. thereon at pp. 5-7 C/F may be perused. A short resume of the case is given below as it is not clear from the letter of the P.D.B and the Collector who refer to a lot of correspondence.

pp 1-2 C/F

pp 5-6 C/F

2 S No. 65 of Marali village, Mangalore Tk, South Kanara Dt., measuring 4 ac 66 cents was first alienated to the Dt Bd., South Kanara in 1919 for use as the site of an agricultural school. Inspite of an extension of time for the construction of the school building till 1928, the Dt Bd. has failed to construct it. When the Board was therefore called upon to show cause why the land should not be resumed for violation of the conditions of the grant, it passed a resolution that as the plot was maintained as a model plantation showing to the public how dry cocoanut cultivation is to be carried on the condition regarding the construction of school bldg. might be waived. The site was therefore resumed in 1929 and realienated to the Dt Bd., S.Kanara for use as the site of a demonstration farm and a tenants house.

B 13 of (V)

Vide p 9 C/F of (A)

In 1936 the Dt Bd. leased the usufruct of the cocoanut trees for a period of three years from 1936-37 and applied for the approval of the Collector. The Collector approved the lease as obviously no net income was thereby derived by the Dt Bd. In 1939 after this lease expired, the Dt Bd. applied for permission to give the agricultural

p 53 C/F of Ad

p. 1 C/F of (H)

p 7 C/F of 4-9

pp 1-2 C/F of (B)

farm on a long lease on an annual rental of Rs 50/- pp 1-2 CF &
and for the permanent assignment of the rights
covered by the tenants' house in the farm to one
Thimmaya, a peon of the Dt Bd office. As they were not
permissible under the conditions of alienation of the pp 3-4 ibid
farm with the tenants' house, the Collector refused to
accord the permission and suggested that if necessary the
P.D.B. might apply for permission to continue the
existing lease of the right of enjoying the usufruct of
the trees for another 3 years.

4. In 1940, on enquiry it was found that the vide pp 25-26 CF of [0]
tenants' shed was vacant and in a ruined condition and
that the agricultural farm itself was not being used for pp 15-16 CF & ibid
the purpose of a demonstration and was in a neglected
and uncared for condition. The Asst Director of Agriculture pp 31-33 CF & ibid
She was also consulted stated that the plot in question
does not serve the purpose for which it was originally
granted. The Dt. Bd. was therefore asked to show cause p 16 CF & ibid
why the land should not be resumed for violation of the
conditions of alienation and why assessment should not
be levied on it since the Bd. was deriving income
from the land by leasing it out annually the right
of plucking the usufruct of the trees. In reply the Dt. Bd.
observed that the land was being used for the purpose of p 17 CF & ibid
demonstrating the utility of dry cultivation and for no
other purpose and that it was not proper to levy assessment
on the plot in question as the Bd. was selling the — do —
usufruct by public auction and as the income thus
derived was less than what the Dt Bd. spent for the plot every year.

p 37-42 CF & [O] The Collector thereupon referred the matter to the Bd. of Rev. for orders, who asked him to serve notice

p 63 CF & ibid to the Dist Bd. to show cause why the land with the tenants house and other improvements should not be resumed without payment of compensation for violation of the conditions of alienation. In reply the Dist Bd. stated

p 71 CF & ibid that the cocoanut trees had sufficiently grown up, that it was not necessary for it to maintain a watcher's shed close to the demonstration farm and that it was not therefore kept in good repair. The Dist Bd. also

do stated that the annual income derived by it was too poor to justify the maintenance of the tenants shed and accordingly requested that the breach of the conditions of the alienation might be condoned.

p 77 CF & ibid The Bd. of Rev. however sanctioned the resumption of the whole plot with the tenants shed and the improvements thereon without payment of compensation. As the

vide p 32 CF & ibid farm does not serve the purpose for which the land

& para 2 p 886-7 CF was granted this dept may agree with the Board of Rev. that the land in question need not be realienated to the Dist Bd for the purpose of the demonstration plot. The PDA's

vide para 8 on p 2 CF request for the payment of compensation also does

& p 54 CF & (A) not deserve consideration as under conditions (vii) & (viii) of circ. mal. 9 p 1 CF & [O] of the conditions of alienation no compensation is payable in the event of resumption. The other recommendations of the Bd of Rev. on p 7 CF may also be accepted.

Subject to orders a draft order is submitted for approval.

on p 8 CF - DA may see.

22.11.46

(5)

the office note may be read.

Re conditions of the 1929 lease see at pages 53-55 flag A

A petition about the state of neglect of the garden; the RI's report thereon pages 7-8 of, and the Asst Director's opinion at page 33 ante — may be perused. } pp 1-2 of flag D; flag D.

The statement of Income-Expenditure on the garden given by the Dist Board is at p 19 of flag D

The Bds proposals may be approved

Sd/- 23.12.42

Sd/- 1.1.43

A.

L A

Dev.

Revenue & Co-operation Dept. No. 1916F/42-24

2-1-1943.

L A dept.

The notes above and the draft order on page 8 of may be passed in this department and the case passed on to Dev dept in this department.

SECRETARY TO GOVERNMENT 2-JAN 1943 172 LOCAL ADMINISTRATION DEPT.

FC 2/1

Sd/- 5.1.43

Sec

Sd/- 7.1.43

Dev.

Notes from P. 1 above and draft order at P 8 of F. Dev dept may be perused and returned to Revenue

UNDER SECRETARY L.A. Dev. Co. [illegible] 8-JAN 1943 DEVELOPMENT DEPARTMENT

Sd/- 11/1/43

Sd/- 7.1.43

Dev dept

Sd/- 12/1/43

Rev

Sd/- 11/1/43

Sd/- 6.1.43

The draft order on p 8 of may issue

Dev No. 567-A/43-1

12-1-43

Sd/- 11/1/43

Sd/- 15.1.43

A4 A2

Issued Sd/- 16.1.43

SECRETARIAT TO GOVERNMENT 567 2057 13 JAN 1943 REVENUE DEPARTMENT